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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,771	04/30/2001	Gideon Fostick	Q63730	1088

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EXAMINER	
CHOW, MING	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,771	FOSTICK, GIDEON	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-9 and 11-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-9,11-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 6, 9, 11, 12, 13, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al (US: 6483899), and in view of Parson et al (US: 2002/0085701).

Agraharam et al teach on item 100 Fig. 1, a voice-enabled communications device.

Agraharam et al teach on column 1 line 52-60, a voice-messaging system converts voice message into a text message by using the speech recognition software.

Agraharam et al failed to teach "an interactive voice response system". However, Parson et al teach on section [0090], an IVR allows a caller to select canned messages and further append with caller's phone number.

Agraharam et al teach on column 1 line 58-64, the CAS sends the text message to the recipient.

Agraharam et al teach on column 3 line 5-8, the calling party is prompted to provide information. Agraharam et al failed to teach the "prompt" is via an interactive voice response system. By combining the IVR as taught by Parson et al, the calling party selected message and the appended message are the claimed "text message".

Agraharam et al failed to teach "the pre-prepared messages are pre-programmed by a called party". However, the person who pre-program the message is a "decide choice".

It would have been obvious to one skilled at the time the invention was made to modify Agraharam et al to have an IVR as taught by Parson et al such that the modified system of Agraharam et al would be able to support the system users with a flexible means to select a pre-programmed message. Further, it would have been obvious to one skilled at the time the invention was made to modify Agraharam et al to have a called party pre-program messages.

2. Claims 6, 7, 8, 9, 11, 12, 13, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US: 6775360), and in view of Bannister et al (US: 5943399).

Davidson et al teach on item 140 Fig. 1, caller places a voice message on a telephone.

Davidson et al teach on column 3 line 13-26, voice mail server (claimed "CAS").

Davidson et al teach on item 320 Fig. 3, speech recognition server converting voice messages into text and transferring converted text to the voice mail server.

Davidson et al failed to teach "an interactive voice response system". However, Bannister et al teach on column 1 line 23-30, callers select predefined SMS (text messages) via an IVR.

Davidson et al teach on column 4 line 3-10, the voicemail server (claimed "CAS") provides a text message includes the converted text and other indicia of the message (the "SMS" of Bannister et al; claimed "pre-prepared message").

Davidson et al failed to teach "pre-pared messages are pre-programmed by a called party". However, the person who pre-program the message is a "decide choice".

It would have been obvious to one skilled at the time the invention was made to modify Davidson et al to have an IVR as taught by Bannister et al such that the modified system of Davidson et al would be able to support the system users with a flexible means to select a pre-programmed message. Further, it would have been obvious to one skilled at the time the invention was made to modify Davidson et al to have a called party pre-program messages.

Response to Arguments

3. Applicant's arguments filed on 3/3/05 have been fully considered but they are not persuasive.

Applicant argues, on pages 11-15, regarding objective evidence of motivation. Agraharam et al teach a voice-messaging system converting voice message into a text message by using the speech recognition software. Parson et al teach an IVR allowing a caller to select canned messages and further append with caller's phone number. Both Agraharam et al and Parson et al systems are set up in a messaging system environment. It is a perfect objective evidence of motivation to modify Agraharam et al in view of Parson et al in order to support the conveniences of using a flexible means to select a pre-programmed message.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general mature or relating to the status of this application or

proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600